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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

JUN 3 4 2003

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for a Time-Critical Removal Action at the Former Statler Hilton Hotel Site, Detroit, Wayne County, Michigan (Site ID # B55A)

FROM: Jeffrey W. Kimble, On-Scene Coordinator
Emergency Response Branch - Section 1

Jeffrey W. Kimble 4/24/03

TO: William E. Muno, Director
Superfund Division

THRU: Margaret Guerriero, Acting Chief
Emergency Response Branch

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to \$667,841 to conduct a time-critical removal action at this Site. The actions are necessary in order to mitigate threats to public health, welfare and the environment posed by the presence of uncontrolled hazardous wastes abandoned at the Former Statler Hilton Hotel Site (Site). The facility has been abandoned for over 25 years and is not fenced. The City of Detroit (City) and the Michigan Department of Environmental Quality (MDEQ) have made attempts to secure the building, but breaches in the security (i.e. cut locks and forced access to the basement of the building) have been noted. Observations of Site conditions revealed that recent access into the building and the waste area was noted.

The presence of hazardous substances at the Site has been documented and consist of polychlorinated biphenyls (PCBs) in sludge, dirt, and other debris on the floor of the facility and also 10 stripped-out PCB transformer carcasses. The response action proposed herein will mitigate Site conditions by properly identifying, consolidating, packaging, and disposing of all hazardous wastes. Additional Site activities will include Site security, perimeter air monitoring, and decontamination or removal of heavily contaminated building floors or other structures. The fact that hazardous wastes exist in substantial quantities and in an uncontrolled manner requires that this removal be classified as time-critical. The project will require an estimated 60 on-site working days to complete.

The Site is not on the National Priorities List, does not set any precedents and is not considered nationally significant.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # MID

A. Physical Location

The Site is located at the corner of Grand Circus traffic circle and 1539-1565 Washington Avenue in downtown Detroit, Wayne County, Michigan. The Site is located directly south of the Grand Circus Park and is several hundred yards to the southwest of Comerica Park (the major league baseball facility). Commercial buildings surround the Site to the east, west, and south of the former hotel building. The Site includes one main multi-story building and a smoke stack. The Site coordinates are 42°20'07"N latitude and 83°03'05"W longitude. There are 10 identified and stripped-out PCB transformers, a sub-basement full of PCB-contaminated water, and numerous spill areas where PCBs have saturated the debris, dust, and concrete of the facility floor. Nine of the ten transformer carcasses are located in the basement near the access area to the building and are accessible to outside populations, which was noted during the assessment activities. The last transformer carcass is located on the fourth floor of the building.

B. Environmental Justice Analysis

According to the Region V Superfund Environmental Justice Analysis for Michigan, the low income percentage is 29% or greater and the minority percentage is 18%. To meet the Environmental Justice concern criteria (EJ), the area within one mile of the Site must have a population that is twice the state low income and/or twice the state minority percentage. That is, the area must be at least 58% low income and/or 36% minority. There are approximately 1083 people who live in the area of the Site (Census Tract 5207, Block Group 2). The minority population is 88% and the low income population is 45%. Therefore, this Site meets the Regions EJ criteria based on demographics as identified in Region V's "Interim Guidelines for Identifying and Addressing a Potential EJ Case", June 1998.

C. Site Description and Background

The former hotel was constructed in the early 1900's by hotel developer E.M. Statler. The hotel transferred ownership several times in over six decades of operation before it closed in 1975. After the hotel ceased operating as a business, an auction was held to sell off the contents and items of the building. The hotel building then sat idle, except for unauthorized entrants, for a 25-year period of time. In 2000, MDEQ initiated an asbestos and debris removal inside the former hotel building. MDEQ expended approximately 4.3 million dollars of state funds to remediate environmental issues in

this building. Near the end of the asbestos abatement project, MDEQs environmental contractor discovered the presence of transformer carcasses in the basement and on the fourth floor of the building which potentially once housed PCB oils. Subsequent wipe sampling of suspected spill areas in the basement and on the fourth floor of the building revealed the presence of PCB contamination as high as 480,000 micrograms/wipe. MDEQ also determined that PCBs had migrated into water in the sub-basement of the facility. MDEQ disposed of the water, but the sub-basement has re-charged with water.

In August 2002, MDEQ referred the Site to the U.S. EPA to assist in an environmental assessment, securing of the facility and performing a time-critical removal action. The referral letter also stated that MDEQ did not know the lateral extent of the contamination and had expended all available funding to address the problems at the Site.

On October 31, 2002, U.S. EPA mobilized it's Superfund Technical Assessment and Response Team (START) contractors to the Site. START assisted U.S. EPA in performing a Site assessment including sample collection and documentation of Site conditions. A more detailed description of these activities is presented in the START Site Assessment Letter Report in the administrative record.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions present at the Site constitute an imminent and substantial threat to the public health, or welfare, and the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 CFR Part 300. These factors include, but are not limited to, the following:

- 1) *Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;*

The former hotel building is abandoned and unsecured and could be accessed by the public. During this Site visit, the OSC observed, due to a broken steel grate and missing window leading to the basement of the facility, that the Site was open and could be accessed by the public. General trash and debris, including recent newspapers and beverage containers, were noted inside of the facility building. Locks previously placed on doors to the facility had been cut off allowing access, but the recent set of locks on the building were secure at the time of the assessment. There were numerous pedestrians in the area of the building during the assessment activities. The observed access point into the facility basement is located in the rear of the facility and away from the major street. Exposure pathways at the Site are direct contact by walking through the spilled material near the observed access point. This could also

lead to tracking of PCB-contaminated material out of the building and onto the street and sidewalk surrounding the facility.

A dust/dirt sample collected from the floor of the basement near the transformers was analyzed to contain 3,400 parts per million (ppm) PCBs. Another sample collected from the basement area was revealed to contain 3,200 ppm PCBs. The wipe sample collected from the fourth floor spill area and the aqueous sample collected from the sub-basement of the facility both revealed elevated presence of PCBs as well. Although the full lateral extent of the basement spill area is not known, the analysis performed on the samples collected shows a significant amount of PCB-contaminated material to be present at the Site.

Observations of the debris in the building may indicate that the abandoned structure is being used as housing or other uses for one or more individuals. The access into the rest of the building appears to be through the basement access point which has been previously secured and subsequently bypassed. The majority of the PCB contamination at the Site is in the basement.

- 4) *The availability of other appropriate Federal or State response mechanisms to respond to the release;*

In a letter dated August 16, 2002, Steven Kitler, MDEQ program Manager, SE Michigan District Office, formally requested U.S. EPA assistance in conducting an extent-of-contamination study and a time-critical removal action at the Statler Hilton Site located in Detroit, Michigan. The letter also stated that the state has spent approximately 4.3 million dollars to date and those monies included all funding already appropriated to the Site and transferred to the Site from other sources.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes to undertake the following actions to mitigate threats posed by the presence of hazardous wastes at the Site:

- 1) Develop and implement a Site Health and Safety plan, including an air monitoring plan, and a Site contingency plan;

- 2) Develop and implement a Site work plan;
- 3) Develop and implement a Site security plan;
- 4) Conduct lateral extent-of-contamination studies on the PCB spills on the fourth floor and in the basement of the facility;
- 5) Consolidate and package all waste for transportation and off-site disposal;
- 6) Scrape, scarify, sweep, and decontaminate any areas of facility floor where spills have occurred;
- 7) Conduct confirmation sampling to verify cleanup goals are reached;
- 8) Transport and dispose of all consolidated PCB-contaminated wastes and stripped-out carcasses at a CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440);
- 9) Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment

This removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. However, elimination or mitigation of the threats is expected to minimize the need for post-removal Site control at the Site.

The activities described in this memorandum will require an estimated 60 on-site working days to complete.

The detailed cleanup contractor cost estimate is presented in Attachment 1 and estimated project costs are summarized below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs: **\$ 493,534**

Total Cleanup Contractor Costs
(This cost category includes estimates for: ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Includes a 15% contingency).

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, including multiplier costs **\$ 63,000**

Subtotal, Extramural Costs **\$ 556,534**

Extramural Costs Contingency **+ \$ 111,307**
(20% of Subtotal, Extramural Costs)

TOTAL, REMOVAL ACTION PROJECT CEILING **\$ 667,841**

The response actions described in this memorandum directly address the actual or threatened release at the Site of a hazardous substance, or of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable and relevant and appropriate requirements (ARARs) of federal and state law will be complied with to the extent practicable. The OSC has sent a letter, dated April 15, 2003, requesting ARARs to Ms. Patricia A. Thornton, MDEQ, RRD, Detroit, Michigan, for any applicable state ARARs. Any state ARARs identified in a timely manner will be complied with to the extent practicable.

All hazardous substances, pollutants or contaminants removed off site pursuant to this removal action for treatment, storage and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-site Rule, 40 CFR § 300.440.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued risk to public health and the environment will result if no action or delayed action ensues at the Site. Security measures taken to stop pedestrian access into the building continues to be bypassed.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum (Attachment II).

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$1,076,309¹

$$(677,841 + 78,100) + (42.38\% \times 755,941) = \$ 1,076,309$$

IX. RECOMMENDATION

This decision document represents the selected removal action for the Former Statler Hilton Hotel Site located in Detroit, Wayne County, Michigan. This document has been developed in accordance with CERCLA as amended and is consistent with the NCP. This decision is based on the Administrative Record for the Site (see Attachment III). Conditions at the Site meet the NCP S300.415 (b)(2) criteria for a time-critical removal

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States's right to cost recovery.

action and I recommend your approval of the proposed action. The total removal project ceiling, if approved, will be \$667,841 of which \$604,841 may be used for the cleanup contractor costs. You may indicate your decision by signing below.

APPROVE:


Director, Superfund Division

DATE:

6/4/03

DISAPPROVE: _____

DATE: _____

Director, Superfund Division

Enforcement Addendum**Attachments**

1. Detailed Cleanup Contractor Cost Estimate/Independent Government Cost Estimate
2. Administrative Record Index
3. Region 5 EJ Analysis

cc:

R. Worley, U.S. EPA, 5203-G

M. Chezik, U.S. DOI, w/o Enf. Addendum

Patricia A. Thornton, MDEQ, w/o Enf. Addendum

Detroit District Office

3058 W. Grand Boulevard - Suite 2-300

Detroit, MI 48202

B. King, Det. Dept. Env. Affairs, w/o Enf. Addendum

660 Woodward Ave., Suite 1800

Detroit, MI 48226

ENFORCEMENT ADDENDUM

**FORMER STATLER HILTON HOTEL SITE
DETROIT, WAYNE COUNTY, MICHIGAN
MAY 2003**

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

(REDACTED 2 PAGES)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR COST ESTIMATE

**Former Statler Hilton Hotel Site
Detroit, Wayne County, Michigan
April 2003**

The estimated cleanup contractor costs necessary to complete the removal action at the Site are as follows:

Personnel	\$ 178,760
Equipment	\$ 55,900
Materials	\$ 44,500
Transportation and Disposal	<u>\$ 150,000</u>
Total	\$ 429,160

ATTACHMENT 2**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION****ADMINISTRATIVE RECORD
FOR
FORMER STATLER HILTON HOTEL SITE
DETROIT, WAYNE COUNTY, MICHIGAN****ORIGINAL
MAY 22, 2003**

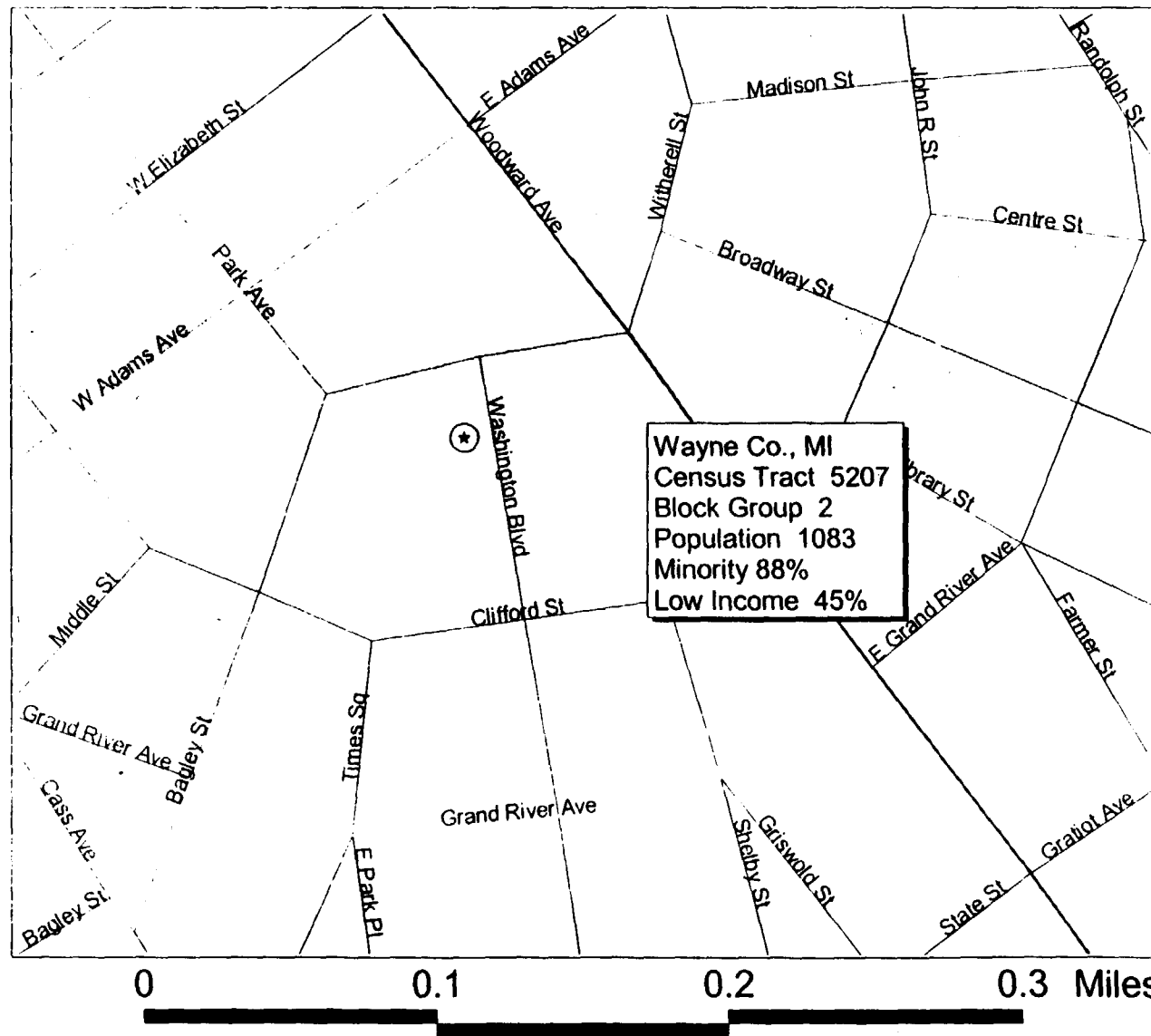
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	08/16/02	Kitler, S., MDEQ	El-Zein, J., U.S. EPA	Letter re: MDEQ's Request for U.S. EPA Assistance in Conducting Risk Evaluation and Abatement Activities at the Former Statler Hilton Hotel w/ Attachments	14
2	04/15/03	Kimble, J., U.S. EPA	Thornten, P., MDEQ	Letter re: U.S. EPA's Request that MDEQ Identify all ARARs for the Former Statler Hilton Hotel	1
3	01/09/03	Moffet, R., Weston Solutions, of Michigan, Inc.	Kimble, J., U.S. EPA	Site Assessment letter Report for the Former Statler Hilton Hotel Site w/Appendices	53
4	00/00/03	Kimble, J., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for an Emergency Removal Action at the Former Statler Hilton Hotel Site (PENDING)	

ATTACHMENT 3
REGION 5 EJ ANALYSIS

Region 5 Superfund EJ Analysis

Former Statler Hilton Hotel Site

Detroit, MI



State of Michigan averages:
Minority: 18%
Low Income: 29%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Michigan

Minority: 36% or greater
Low Income: 58% or greater

★ Site Location

Date of Map: 1/1/01

Source of Map: Census 2000 Database
File 00001

INDEPENDENT GOVERNMENT CLEANUP CONTRACTOR ESTIMATE

**FORMER STATLER HILTON HOTEL SITE
DETROIT, WAYNE COUNTY, MICHIGAN
APRIL 2003**

(REDACTED 2 PAGES)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION